

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALFREDA KECK & DEVON KECK,

Plaintiffs,

v.

Case No. 07-CV-11042

GRAHAM HOTEL SYSTEMS, INC.,

Defendant.

ORDER GRANTING “JOINT MOTION FOR RELIEF FROM JUDGMENT”

On April 23, 2009, the court granted “Defendant’s Motion for Rule 11 Sanctions, Attorney Fees Under 42 U.S.C. § 1988 and 28 U.S.C. § 1927 and for Taxable Costs Pursuant to Rule 54(d)(1).” On May 7, 2009, Plaintiffs Alfreda Keck and Devon Keck and Plaintiff’s counsel Stephen Dane filed a notice of appeal. While the appeal was pending, the parties reached a settlement agreement both as to the underlying cause of action and as to the matter on appeal. On November 10, 2009, the parties filed the present motion to vacate the court’s April 23, 2009 opinion and order. On November 17, 2009, the court, pursuant to *First Nat’l Bank of Salem, Ohio v. Hirsch*, 535 F.2d 343, 346 (6th Cir. 1976), stated it was disposed to grant the parties’ motion. The Sixth Circuit then remanded the case to this court on November 23, 2009. See *id.* Upon consideration of the Motion, the court will grant the parties’ “Joint Motion for Relief from Judgment” pursuant to Federal Rule of Civil Procedure 60(b) so that the parties can effectuate a global settlement of all pending issues. Accordingly,

IT IS ORDERED that the parties' "Joint Motion for Relief from Judgment" [Dkt. #40] is GRANTED. The court's April 23, 2009 opinion and order [Dkt. #32] is VACATED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 30, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 30, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522